

REMARKS

In view of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 2, 3, 6, 13, 19-21, 23, 26, 27, 29, 33, 42 and 43 have been amended. Claims 44-49 have been added. Claims 1, 17 and 18 have been cancelled. Accordingly, claims 2-4, 6-16, 19-21, 23-33, and 43-49 are pending in this application.

Claims 1-4, 6-21, 23-33, 42 and 43 have been rejected under 35 U.S.C. 101. Independent claims 1, 17, and 18 have been cancelled and are replaced by new independent claims 44, 46 and 48. The remaining claims have been amended to depend from one of these independent claims. Each of these claims recites a terminal having a “computer-readable storage medium.” In the Office Action under reply, the Examiner had indicated that “A description of ‘computer-readable storage medium’ for the terminal should overcome the rejection since applicant argues that the terminal is a laptop.” (Office Action, page 9, par. 4). Since the independent claims recite such a “computer-readable storage medium,” such claims satisfy the requirements of 35 U.S.C. 101 and it is therefore requested that the rejection of the claims under 35 U.S.C. 101 be withdrawn.

Claims 1-4, 6-21, 23-33, 42 and 43 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tran et al. (US Patent 6,157,935) (hereinafter, “Tran”). As stated above, independent claims 1, 17, and 18 have been cancelled and are replaced by new independent claims 44, 46 and 48. More particularly, claim 1 is replaced by new claim 46. Claim 18 is replaced by new claim 44. Claim 17 is replaced by new claim 48.

New method claim 44 sets forth the claimed invention with specific steps that are neither disclosed nor suggested in Tran. Likewise, independent system claim 46 recites a system with features that correspond to the features recited in method claim 44. Independent system claim 48

recites a terminal and first and second editing facilities. Differences between the claimed invention and Tran are discussed below.

Independent method claim 44 recites a process with steps that are carried out either by the “terminal” or by the “first editing facility.” As recited in claim 44, the terminal carries out various steps including the following steps:

“receiving by a terminal while the event is ongoing at least one master image file, each received master image file representing a respective electronic image of the event;

storing each received master image file in a computer-readable storage medium within the terminal;

creating by a processor of the terminal a preview image file from one of the stored master image files, the created preview image file having a file size smaller than a file size of the master image file;

transmitting by the terminal the preview image file to a first editing facility located away from the terminal”

The terminal also carries out the step of “transmitting by the terminal, upon receipt by the terminal of the communication representing the request for the master image file, the master image file stored in the storage medium.”

The first editing facility carries out a number of steps, including:

“receiving by the first editing facility the transmitted preview image file;

transmitting by the first editing facility a communication representing a request for a master image file that corresponds to the received preview image file;

receiving by the first editing facility the transmitted master image file;

editing by the first editing facility the received master image file; and

transmitting by the first editing facility the edited master image file to a remote client device, the transmitting by the first editing facility of the edited master image file occurring while the event is still ongoing.”

As also expressly recited, the terminal and the first editing facility are located away from one another.

In the Office Action, the Examiner referred to Col. 5, lines 31-55 of Tran for allegedly disclosing the “terminal” recited in now-cancelled claim 1 (Office Action, page 3, lines 4-9; referring to “computer with storage and editing tools”). The Examiner then referred to col. 7, lines 16-25 of Tran for allegedly disclosing the “first editing facility” (Office Action, page 3, lines 10-15). Based on a careful review of Tran, both of the sections in Tran referenced by the Examiner pertain to components and features of the same computer system. New claim 44, as well as the other new independent claims, clearly recite two distinct devices: a terminal and a first editing facility, each carrying out distinct functions, and the cited reference simply doesn’t disclose two distinct, separate devices that carry out such functions. With regard to the Examiner’s statement, in the “Response to Arguments” section on page 9 of the office action, that “The reference clearly teaches a CPU receiving images for a camera over a network that can edit the images [column 7, lines 16-35], thus teaching over this distribution system step,” it is submitted that Tran’s ability to compress and otherwise process images and then transmit those compressed/processed images over a network to a remote site does not correspond to a disclosure of two distinct, separate and remote devices that carry out the functions recited in the new claims presented herein.

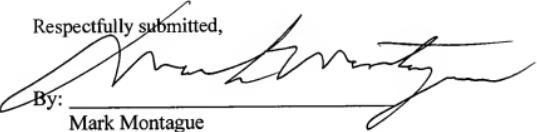
Moreover, Tran also does not disclose certain steps that are expressly recited in new claim 44 (and similarly recited in independent system claim 46). In particular, Tran does not disclose a device (i.e., the recited terminal) that first transmits a preview image file of a stored image and then transmits the corresponding master image file upon receiving a request for that master image file. Similarly, Tran does not disclose a different device (i.e., the recited first

editing facility) that receives the transmitted preview image file, that then transmits a request for the corresponding master image file; that then receives the transmitted master image file, and then edits and transmits the edited master image file to a remote client device.

In the Office Action, the Examiner refers to portions of Tran (i.e., col. 5, lines 31-55 and col. 7, lines 16-25 – Office Action, page 3) that neither disclose nor suggest the above-recited operations. In other words, the disclosure in Tran of storage, editing and compression tools is completely insufficient to establish that this cited reference discloses the above-recited operations of the present invention. At best, it appears that the Examiner may have construed the language “configured to” recited in now-cancelled claim 1 to mean “capable of” wherein the computer system of Tran could be programmed in a manner to operate as such. The new independent claims do not use the language “configured to” and clearly and expressly recite limitations that are neither disclosed nor suggested in Tran. Accordingly, new claim 44 and corresponding system claim 46 are patentably distinct, as well as unobvious, over Tran. New claim 48 recites yet other features that are neither disclosed nor suggested in Tran.

In view of the foregoing, it is requested that the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by Tran be withdrawn, and that new claims 44, 46 and 48 be allowed. It is also requested that new dependent claims 45, 47 and 49, which specify that certain communications between the terminal and the first editing facility be carried out wirelessly, be allowed.

Respectfully submitted,

By: 

Mark Montague
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200